



State of West Virginia  
Office of the Attorney General

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**WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF OUTSIDE  
COUNSEL ON BEHALF OF THE WEST VIRGINIA DEPARTMENT OF HEALTH AND  
HUMAN RESOURCES**

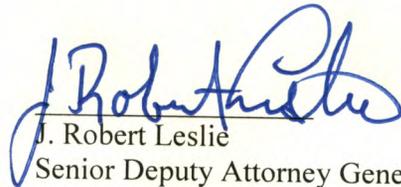
The West Virginia Department of Health & Human Resources (the "WVDHHR") is seeking legal representation to assist WVDHHR and the Office of the West Virginia Attorney General with ongoing litigation involving West Virginia's Intellectual/Developmental Disabilities Home and Community Based Services Waiver program (I/DD Waiver Program).

More specifically, the WVDHHR is seeking legal representation to assist the Department with the case of *Michael T. et al. v. Karen Bowling, in her official capacity as Secretary of the West Virginia Department of Health and Human Resources*, Case No. 2:15-cv-09655, which is currently pending in the United States District Court for the Southern District of West Virginia.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint outside counsel to assist the WVDHHR with the legal matter set forth herein, based on the following factors:

- The matter at issue requires specific expertise in Expertise in West Virginia's Intellectual/Developmental Disabilities Home and Community Based Services Waiver program (I/DD Waiver Program).
- There is a particular need for legal representation with additional litigation background and experience to assist the Attorney General's Office with the legal matter in question, including expertise in federal class action litigation, expertise with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and Medicaid waiver programs.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services without assistance from outside counsel at this time.

Accordingly, the Attorney General authorizes the appointment of outside counsel for the legal matter in question pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAGO-004.

  
J. Robert Leslie  
Senior Deputy Attorney General

Date Signed: August 6, 2015